

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

UNITED SPECIALTY INSURANCE  
COMPANY,

Plaintiff,

v.

BANI AUTO GROUP, INC., et al.,

Defendants.

Case No. 18-cv-01649-BLF

**ORDER GRANTING PLAINTIFF'S  
REQUEST FOR SPECIAL  
APPOINTMENT TO SERVE PROCESS**

[Re: ECF 111]

Plaintiff has filed a request that All-N-One Legal Support, a registered California process server, be specially appointed to serve any writs of execution and writs of attachment in this action. *See* Request, ECF 111. The request is made pursuant to Federal Rule of Civil Procedure 4.1, which provides in relevant part that: "Process--other than a summons under Rule 4 or a subpoena under Rule 45--must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose." Fed. R. Civ. P. 4.1(a).


Under federal law, "[a] money judgment is enforced by a writ of execution, unless the court directs otherwise." Fed. R. Civ. P. 69(a). "The procedure on execution--and in proceedings supplementary to and in aid of judgment or execution--must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies." *Id.* Under California law, a registered process server may levy under a writ of execution in accordance with California Code of Civil Procedure 699.080. "Registered process servers may be authorized and appointed under Rule 4.1 for this purpose." *First Midwest Equip. Fin. Co. v. Aero Transp., Inc.*, No. 1:18-mc-00017-AWI-SAB, 2022 WL 2359284, at \*1 (E.D. Cal. June 30, 2022).

Accordingly, IT IS HEREBY ORDERED as follows:

- (1) Plaintiff's request is GRANTED;
- (2) All-N-One Legal Support, a registered California process server, is authorized and appointed to serve writs in this action;
- (3) The United States Marshal shall remain the levying officer; and
- (4) This order terminates ECF 111.

**IT IS SO ORDERED.**

Dated: October 25, 2022

  
BETH LABSON FREEMAN  
United States District Judge